IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 28.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition Nos.10441 of 2004
& WPMP No.12212 of 2004

Bharat Kumar K.Kamdar .. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing & Urban Development Department,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Chennai-600 008. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Declaration to declare that the provisions contained in B 111 of Rule 19 of the Development Control Rules to Tamil Nadu Town and Country Planning Act are ultra vires, unconstitutional, Arbitrary and colourable exercise of power and forbear the second respondent from insisting on the payment of security deposit for putting up any construction which are not recognised in law.

For Petitioner : Mr.S.Sundaresan
For 1st Respondent : Mr.R.Viduthalai
Advocate General for
Mr.K.Elango, Spl. G.P.,

For 2nd respondent : Mr.J.Ravindran for CMDA.,

ORDER

(Order of the Court was delivered by P.SATHASIVAM, J.)

Learned counsel appearing for the petitioner seeks permission to withdraw the above writ petition and has also made an endorsement to that effect. Accordingly permission is granted and the writ petition is dismissed as withdrawn. It is made clear that if need arises, the petitioner is permitted to challenge the

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provisions contained in B 111 of Rule 19 of the Development Control Rules to Tamil Nadu Town and Country Planning Act at the appropriate time. No costs. Consequently, WPMP No.12212 of 2004 is also dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Housing & Urban Development Department,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Chennai-600 008.

+1CC TO MR.J.RAVINDRAN Advocate (SR 58965)

JSK (CO) W.P.No.10441 of 2004
VS 14.12.2006

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